

## **VILLAGE OF BELLEDUNE**

### **BY-LAW NO. 15-90-1998**

#### **BUILDING BY-LAW**

The Council of the Village of Belledune, under authority vested in it by section 59 of the Community Planning Act, enacts as follows:

#### **INTERPRETATION**

1. In this By-law,
  - (i) “alter” means, in relation to a building or structure, to make any structural or other change thereto which is not for purposes of maintenance only;
  - (ii) “building inspector” means the building inspector of the commission appointed by the municipal council;
  - (iii) “commission” means the Belledune District Planning Commission;
  - (iv) “code” means the National Building Code of Canada of 1995
  - (v) “council” means the Municipal council of the Village of Belledune

#### **APPLICATION**

2. This by-law applies throughout the municipality of Belledune.

#### **SCOPE**

3. The purpose of this by-law is
  - (a) to prescribe standards for the building, locating or relocating, demolishing, altering, structurally altering, repairing or replacing, or any combination thereof, of a building or structure;
  - (b) to prohibit the undertaking or continuing of work mentioned in paragraph (a) in violation of standards prescribed hereby; and
  - (c) to prescribe a system of permits for work mentioned in paragraph (a), their terms and conditions, the conditions under which they may be issued, suspended, reinstated, revoked and renewed, their form and the fees therefor.

4. The National Building Code of Canada 1995 is adopted by reference as follows:
- (a) Parts 1, 2, 7 and 8 apply to all buildings;
  - (b) Parts 3, 4, 5 and 6 apply to
    - (i) all buildings used for major occupancies classified as
      - (A) Group A, assembly occupancies,
      - (B) Group B, care or detention occupancies, or
      - (C) Group F division 1, high hazard industrial occupancies, and
    - (ii) all buildings exceeding 600 m<sup>2</sup> in building area or exceeding 3 storeys in building height used for major occupancies classified as
      - (A) Group C, residential occupancies,
      - (B) Group D, business and personal services occupancies,
      - (C) Group E, mercantile occupancies, or
      - (D) Group F, Division 2 and 3, medium and low hazard industrial occupancies.
  - (c) Part 9 applies to building or structures of 3 storeys or less in building height, having a building area not exceeding 600 m<sup>2</sup> and used for major occupancies classified as
    - (i) Group C, residential occupancies,
    - (ii) Group D, business and personal services occupancies,
    - (iii) Group E, mercantile occupancies, or
    - (iv) Group F, Division 2 and 3, medium and low hazard industrial occupancies,
  - (d) This code applies both to site assembled and factory-made buildings

## **APPOINTMENT OF BUILDING INSPECTORS**

5. The Council shall appoint building inspectors who shall exercise such powers and perform such duties as are provided in this by-law.

### **BUILDING PERMITS**

- 6.(1) A person shall not undertake or continue the building, locating or relocating, demolishing, altering or replacing of a building or structure unless a building permit therefor has been issued pursuant to this section.
- (2) A person seeking to obtain a building permit shall make application in writing to the building inspector, and such application shall
- (a) be in a form prescribed by the council;
  - (b) be signed by the applicant;
  - (c) state the intended use of the building or structure;
  - (d) unless waived by the building inspector, include, subject to subsection (7), copies in duplicate of the specification and scale drawings of the building or structure with respect to which the work is to be carried out, showing
    - (i) the dimensions of the building or structure,
    - (ii) the proposed use of each room or floor area,
    - (iii) the dimensions of the land on which the building or structure is, or is to be, situated
    - (iv) the grades of the streets and sewers abutting the land mentioned in subparagraph (iii), and
    - (v) the position, height and horizontal dimensions of all buildings or structures on, and those proposed to be located on, the land referred to;
  - (e) set out the total estimated cost of the proposed work;
  - (f) include a copy of the deed of the land mentioned in subparagraph (iii); and
  - (g) contain such other information as the building inspector may require for the purpose of determining compliance herewith.

- (3) Where
  - (a) an application mentioned in subsection (2) has been received, and
  - (b) the proposed work with this by-law and any other applicable Act of the Legislative Assembly or regulation made thereunder, and all other applicable by-laws, the building inspector shall issue the building permit requested.
- (4) A building permit issued pursuant to subsection (3) shall be subject to the following conditions:
  - (a) the work mentioned in the building permit shall be commenced within six months from the date of issue of the building permit;
  - (b) the work mentioned in the building permit shall not be discontinued or suspended for a period in excess of one year, or such a manner that any exterior surface intended to be cladded remains uncladded for more than two months, and
  - (c) the work mentioned in the building permit shall be carried out, unless otherwise approved by the building inspector, in compliance with the scale drawings and specifications contained in the application for the building permit.
- (5) Where a person violates a condition mentioned in subsection (4) or any provision of this by-law, the building inspector may, by written notice served personally on or sent by registered mail to the person named in the building permit, state the nature of the violation and order the cessation thereof within a reasonable time mentioned in the notice.
- (6) Where a person fails to comply with an order mentioned in subsection (5), the building inspector may suspend or revoke the building permit and may, if the violation leading to the suspension is subsequently corrected, reinstate the suspended building permit.
- (7) Specifications and scale drawings mentioned in subsection (2) for a building permit in respect of a building referred to in paragraph (b) of section 3 shall not be considered by the building inspector unless they bear an engineer's or architect's professional seal, dated and signed, of a member in good standing with the Engineering or Architect Association of New-Brunswick.
- (8) Where work is designed as per subsection (7), a certificate of completion may be required by the building inspector after the work is completed, specifying that it meets with applicable code and regulations.

## **RESPONSIBILITY OF PERMIT HOLDER**

- 7 (1) Where a building permit has been issued, the person named in the building permit shall give to the building inspector:
  - (a) at least forty-eight hours notice of his intention to start the work authorized by the building permit;
  - (b) notice of the placement of a foundation wall below the land surface at least twenty-four hours prior to any backfilling of the excavation;
  - (c) notice of the completion of the work described in the building permit within ten days of such completion; and
  - (d) such other information as may be required hereunder.
- (2) Where tests of any materials are made to ensure conformity with the requirements of this by-law, records of the test data shall be kept available for inspection during the carrying out of the work authorized.
- (3) The approval of plans or specifications, the issuing of a building permit or any inspection hereunder do not relieve a person of any duty or responsibility for carrying out works in accordance with this by-law.

## **DOCUMENTS ON THE SITE**

8. During the carrying out of the work authorized by a building permit, the person named therein shall keep posted in a conspicuous place on the property in respect of which the building permit was issued
  - (a) a copy of the building permit or a poster or placard in lieu thereof; and
  - (b) a copy of any plans and specifications approved by the building inspector.

## **TESTS**

9. The building inspector may at any moment during the construction
  - (a) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted, at the expense of the owner, where such evidence or proof is necessary to determine if any material, device, construction or foundation condition meets the requirement of this by-law; and

- (b) revoke, suspend or refuse to issue a building permit where, in his opinion, the results of the tests or proofs referred to in paragraph (a) are not satisfactory.

### **RECORDS**

- 10. The building inspector shall keep proper records of all applications received, permits and orders issued and inspections and tests made and shall retain copies of all papers and documents connected with the administration of his duties.

### **COPY OF CODE AVAILABLE**

- 11. The building inspector shall keep one copy of the Code available for public use, inspection and examination.

### **FEES**

- 12 (1) Subject to subsection (3), no permit may be issued hereunder until the fees set out in subsection (2) have been paid in full to the commission on behalf of the municipality.
- (2) Where the total estimated cost of the work, including both labour and material is
  - (a) less than \$1000.00, a fee of \$10.00;
  - (b) in excess of \$1000.00, the fee is \$10.00 for the first \$1000.00 plus \$1.25 for each additional \$1000.00.
- (3) Where the building inspector has reason to believe and does believe that an estimate mentioned in subsection (1) is unreasonable, he may refuse to issue the permit.

### **ABROGATION**

- 13. By-law no. 15-90, the “Building By-law” is repealed.

**EFFECTIVE DATE**

14. The present by-law comes into force when filed in the registry office.

FIRST READING \_\_\_\_\_

SECOND READING \_\_\_\_\_

THIRD READING \_\_\_\_\_

ADOPTION \_\_\_\_\_

\_\_\_\_\_  
Clerk/Treasurer

\_\_\_\_\_  
Mayor

Filed on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, under number\_\_\_\_\_.